


RESOLUTION NO. 2014-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

49 December 16, 2014


PATRICK O'QUINN
ACTING EXECUTIVE OFFICER

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, March 3, 2015, for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of La Habra Heights, California, on Tuesday, March 3, 2015, a General Municipal Election for the purpose of electing two (2) Members of the City Council for full terms of four years each.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day, when the polls shall be closed, pursuant to Elections Code §10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That pursuant to Elections Code §12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$75 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member attending a training class.

SECTION 6. That in all particulars not cited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.


SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That in the event of a tie vote, as certified by the Elections Official, the City Council, in accordance with Elections Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. The City Council authorizes the City Clerk to administer said election, and all reasonable and actual election expenses shall be paid by the City upon presentation of properly submitted bills.

PASSED, APPROVED, AND ADOPTED this 16th day of October, 2014, by the City Council of the City of La Habra Heights, California.


Brian Bergman, Mayor

AYES: Bergman, Francis, Higgins, Miller, and Williams
NOES: None
ABSENT: None
ABSTAIN: None

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Shauna Clark, City Clerk, do hereby attest to and certify the attached Resolution No. 2014-18 was adopted by the City Council of the City of La Habra Heights on the 16th day of October, 2014.


Shauna Clark, City Clerk

Oct 16 2014
Date

APPROVED AS TO FORM:


John Brown, City Attorney

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE WITH THE CITY OF LA HABRA HEIGHTS. WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF LA HABRA HEIGHTS THIS 26TH DAY OF NOVEMBER, 20 14


DEPUTY CITY CLERK

RESOLUTION NO. 2014-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015.

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the Candidate's Statements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of La Habra Heights, California, on Tuesday, March 3, 2015, may prepare a Candidate's Statement on a form provided by the City Clerk. The Statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The Statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The Statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's Nomination Papers are filed. The Statement may be withdrawn, but not changed, during the period for filing Nomination Papers and until 6:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act of 1965, as amended, the City is required to translate Candidate's Statements into the following languages: Chinese, Korean, and Spanish.
- B. Pursuant to State law, the Candidate's Statements must be translated and printed in the Voter's Pamphlet in additional languages at a candidate's request and at that candidate's expense.
- C. The City Clerk shall
 - 1. Translations
 - a. have all Candidate's Statements translated into the languages specified in (A) above;

- b. have translated those Candidate's Statements into the languages as requested by a candidate in (B) above.
- 2. Printing
 - a. print all Candidate's Statements in the main Voter's Pamphlet in English only to be mailed to all voters;
 - b. print translations of all Candidate's Statements pursuant to (A) above, in facsimile voter pamphlets. Facsimile voter pamphlets will be in Chinese, Korean, and Spanish;
 - c. have translations of all Candidate's Statements be made available upon request in the office of the City Clerk.

SECTION 3. PAYMENT.

A. Translations

- 1. Candidates shall be required to pay for the cost of translating the Candidate's Statements into any required foreign language as specified in Section 2 (A) of this Resolution, pursuant to Federal and/or State laws.
- 2. Any candidate requesting Candidate's Statements to be translated into a non-required language shall be required to pay for such translation.

B. Printing

- 1. Candidates shall be required to pay for the cost of printing the Candidate's Statements in English only in the main Voter Pamphlet.
- 2. Candidates shall be required to pay for the cost of printing the Candidate's Statements in the facsimile Voter's Pamphlets in the foreign languages specified in Section 2 (A) of this Resolution.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the Candidate's Statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965, as amended, and require each candidate filing a Statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her Statement included in the Voter's Pamphlet. The estimated cost to each candidate submitting a Candidate's statement for the March 3, 2015 General Municipal Election is \$1500. The actual cost may vary significantly from one election to another, and the estimated cost may be significantly more or less than the estimate, depending on the actual number of candidates filing Statements. Accordingly, the City Clerk is not bound by the estimate and shall, on a pro rata basis, bill the candidate for any

additional actual expense or refund any excess paid, depending on the final actual cost. In the event of underpayment, the City Clerk shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall allow bold type, underlining, capitalization, indentations, bullets, and leading hyphens to the same extent and manner as allowed in previous municipal elections.
- C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters related to elections.
- D. Candidates who submit Candidate's Statements may include their photograph to be printed in the sample ballot. The fee for this is \$50 and must be paid to the City when Nomination Papers are filed.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include materials in the sample ballot package other than as outlined in this Resolution.

SECTION 6. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time Nomination Papers are issued.

SECTION 7. All previous resolutions establishing City Council policy on payment for Candidate's Statements are repealed.

SECTION 8. This Resolution shall apply only to the election to be held on Tuesday, March 3, 2015.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 16th day of October, 2014, by the City Council of the City of La Habra Heights, California.


Brian Bergman, Mayor

AYES: Bergman, Francis, Higgins, Miller, and Williams
NOES: None
ABSENT: None
ABSTAIN: None

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Shauna Clark, City Clerk, do hereby attest to and certify the attached Resolution No. 2014- 19 was adopted by the City Council of the City of La Habra Heights on the 16th day of October, 2014.



Shauna Clark, City Clerk

10/16/14

Date

APPROVED AS TO FORM:



John Brown, City Attorney

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE WITH THE CITY OF LA HABRA HEIGHTS. WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF LA HABRA HEIGHTS THIS 26TH DAY OF NOVEMBER, 2014



DEPUTY CITY CLERK

RESOLUTION NO. 2014-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015

WHEREAS, a General Municipal Election is to be held in the City of La Habra Heights, California, on Tuesday, March 3, 2015; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of La Habra Heights;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the provisions of §10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish the following for use in conducting the election:

1. A listing of County precincts with number of registered voters in each, so City may consolidate election precincts into City voting precincts, and maps of the voting precincts;
2. A list of polling places and poll workers the County uses for their elections;
3. The computer record of the names and addresses of all eligible registered voters in the City in order that the City's consultant may:
 - a. Produce labels for vote-by-mail voters;
 - b. Produce labels for sample ballot pamphlets;
 - c. Print Rosters of Voters and Street Indexes;
4. Voter signature verification services as needed;
5. Make available to the City election equipment and assistance as needed according to State law.

SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 16th day of October, 2014, by the City Council of the City of La Habra Heights, California.


Brian Bergman, Mayor

AYES: Bergman, Francis, Higgins, Miller, and Williams
NOES: None
ABSENT: None
ABSTAIN: None


CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Shauna Clark, City Clerk, do hereby attest to and certify the attached Resolution No. 2014- 20 was adopted by the City Council of the City of La Habra Heights on the 16th day of October, 2014.


Shauna Clark, City Clerk

10/16/14
Date

APPROVED AS TO FORM:


John Brown, City Attorney

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE WITH THE CITY OF LA HABRA HEIGHTS. WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF LA HABRA HEIGHTS THIS 26TH DAY OF NOVEMBER, 2014


DEPUTY CITY CLERK

RESOLUTION NO. 2014-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, MARCH 3, 2015, FOR THE SUBMISSION OF A PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY, AND SETTING RULES FOR SUBMITTAL OF ARGUMENTS AND REBUTTAL ARGUMENTS FOR AND AGAINST THE PROPOSED ORDINANCE.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of La Habra Heights, California, signed by more than ten (10) per cent of the number of registered voters of the city to submit a proposed ordinance relating to oil and gas development; and

WHEREAS, the City Clerk examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of La Habra Heights, California, on Tuesday, March 3, 2015, a General Municipal Election for the purpose of submitting the following proposed ordinance/measure to the qualified voters of the City:

MEASURE A

Shall an ordinance be adopted that prohibits land use for new oil and gas development, including high-intensity petroleum operations, new oil and gas wells, and reactivation of idle wells?	YES
	NO

SECTION 2 That the text of the ordinance/measure submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4 That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to the State of California Elections Code section 10242, except as provided in section 14401 of the Elections Code.

SECTION 7. That pursuant to Elections Code section 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$75 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member attending a training class.

SECTION 8. Arguments and Analysis:

- A.** The persons who filed the petition or their representatives, City Council or a Council Member or Members designated by the Council may file a written argument in favor of or against the measure and the City Council, or any Council Member or Members designated by the Council, or any citizen or bona fide association of citizens, may file a written argument against the measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **Monday, December 1, 2014, at 5:00 p.m.** after which no arguments for or against the measure may be submitted to the City Clerk. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- B.** The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.

- C.** Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the primary argument in favor of the Measure to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than Thursday, December 11, 2014 at 5:00 p.m. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.
- D.** Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters of by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font type, the following: "The above statement is an impartial analysis of Ordinance or Measure " ". If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."

SECTION 9. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2014, by the City Council of the City of La Habra Heights, California.



Brian Bergman, Mayor

AYES: Bergman, Francis, Higgins, Miller, and Williams
NOES: None
ABSENT: None
ABSTAIN: None

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Shauna Clark, City Clerk, do hereby attest to and certify that the attached Resolution No. 2014 21 was adopted by the City Council of the City of La Habra Heights on the 13th day of November, 2014.



Shauna Clark, City Clerk

Date

APPROVED AS TO FORM:



John Brown, City Attorney

EXHIBIT “A”

[attach text of ordinance]

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY OF LA HABRA HEIGHTS AMENDING THE LA HABRA HEIGHTS GENERAL PLAN AND MUNICIPAL CODE TO PROHIBIT LAND USE FOR NEW OIL AND GAS DEVELOPMENT INCLUDING HIGH INTENSITY PETROLEUM OPERATIONS, NEW OIL AND GAS WELLS, AND REACTIVATION OF IDLE WELLS.

THE PEOPLE OF THE CITY OF LA HABRA HEIGHTS DO ORDAIN AS FOLLOWS:

Section 1. Amendment of General Plan and Municipal Code.

The General Plan and Municipal Code are hereby amended in accordance with the attached initiative prohibiting land use for new oil and gas development including high intensity petroleum operations, new oil and gas wells, and reactivation of idle wells.

Section 2. Amendment of Ordinance. The provisions of this Ordinance may not be repealed or amended by the City Council without a vote of the people.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people hereby declares that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 4. Effective Date. This Ordinance shall take effect upon certification of the official canvass of the results for the March 3, 2015 election.

Section 5. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the people of the City of La Habra Heights voting on the 3rd day of March, 2015.

Brian S. Bergman, Mayor

ATTEST

Shauna Clark, City Clerk

The Healthy City Initiative:

A Measure to Protect La Habra Heights' Air, Water, and Health by Prohibiting Land Use for New Oil and Gas Development, including High-Intensity Petroleum Operations and Associated Activity

Section 1: Purpose and Findings

- A. **Purpose:** The purpose of this Initiative is to protect the City of La Habra Heights' air, water, and health for the general welfare of the City's residents by prohibiting the use of land within the City's jurisdiction for the purposes of any new oil or gas development, such as drilling or, conducting High-Intensity Petroleum Operations, or reactivating Idle Wells.
- B. **Effect:** Upon adoption, the Initiative will amend the City of La Habra Heights General Plan and Municipal Code to clearly provide that land use for any new oil or gas development including High Intensity Petroleum Operations, new oil and gas wells, and reactivation of Idle Wells, is prohibited within City limits.

This Initiative includes provisions to safeguard vested rights and constitutionally protected property rights. Nothing in this Initiative is intended to interfere with the operation of existing oil and gas wells, provided the operation does not involve new High-Intensity Petroleum Operations.

- C. **Findings:** The people of La Habra Heights find that this Initiative promotes and protects the health, safety, welfare, and the quality of life of the City's residents. The people make the following findings in support of the adoption of this Initiative, any one of which is sufficient:
1. La Habra Heights is a unique community in the Southern California metropolitan area because of its rural community character. The incorporation of La Habra Heights in 1978 was intended in part to preserve the rural esthetics and tranquility of the area. For decades, residents and visitors have come to value La Habra Heights for its natural open space, spectacular vistas, and abundant vegetation.
 2. Since its incorporation, La Habra Heights has had a strong commitment to the preservation of rural character and the preservation of water, and other natural resources.
 3. High-Intensity Petroleum Operations such as hydraulic fracturing, matrix acidizing, and cyclic steam injection involve the use of harmful chemicals, high pressure injection, and/or extreme heat. These High-Intensity Petroleum Operations are

expected to be increasingly used in new oil and gas development and threaten La Habra Heights' air, water, and public health in new ways, as summarized below.

4. Conventional oil and gas production also has an adverse impact on the air, water, health and quality of life of our community. While oil and gas operations have existed in La Habra Heights, their phase-out is contemplated by the City's General Plan. Allowing new wells to be drilled and operated is inconsistent with the General Plan's vision for the City's future. A prohibition on land use for new wells and the reactivation of Idle Wells is necessary to protect the health, safety, and general welfare of the City's residents of today and those of the future.
5. **Water Resources.** High Intensity Petroleum Operations typically require the use of substantial amounts of water, sometimes more than one million gallons per event, and potentially much more over the life of the well. La Habra Heights is perpetually addressing water deficiencies, and sources of water that have traditionally provided water to La Habra Heights have been significantly reduced and stressed over the years. Allowing large amounts of water to be used for High-Intensity Petroleum Operations threatens to deprive residents of much-needed water supplies. Local residents and farmers need water for home, municipal, and agricultural use. In order for La Habra Heights to preserve and sustain its agricultural heritage, land use for High-Intensity Petroleum Operations must be prohibited.

There is evidence that High-Intensity Petroleum Operations can also contaminate surface water through spills, leaks, and accidents. These operations typically use dozens of chemicals known to have adverse human health effects that can contaminate water. Groundwater is also threatened from the underground migration of toxic chemicals used in High-Intensity Petroleum Operations and from well casings that allow fluid to leak over time. Directional and horizontal drilling has expanded the subsurface areas in which these chemicals may migrate. Well casing failures occur at a higher rate when the well is subjected to High-Intensity Petroleum Operations. Thus, the prohibition on land use for such activities will help safeguard groundwater of La Habra Heights.

New oil and gas wells, and reactivation of Idle Wells, also threaten to contaminate water and reduce the amount of water available for other uses.

6. **Air.** High-Intensity Petroleum Operations emit substantial air pollution. The engines used to generate heat or pressure add significant amounts of air contaminants during High-Intensity Petroleum Operations. In addition, many of the chemicals used in such operations are categorized as "air toxics" by the South Coast Air Quality Management District due to their volatility and potential to cause cancer and other serious illness. Already, millions of pounds of air toxics have been used in the Los Angeles air basin, including formaldehyde, xylene, 2-butoxyethanol, methanol, hydrochloric acid, and hydrofluoric acid. Despite the natural beauty of La Habra Heights, the City lies within the Los Angeles air basin, one of the worst air quality

regions in the entire country. Prohibiting land use for High-Intensity Petroleum Operations would greatly mitigate the amount of air pollution for residents of La Habra Heights and improve their health and well being.

The creation of new oil and gas wells and the reactivation of Idle Wells would also degrade air quality in the City. Prohibiting land use for new wells and reactivating Idle Wells would greatly mitigate the amount of air pollution for residents of La Habra Heights and improve their health and well being.

7. **Earthquakes.** High-Intensity Petroleum Operations and wastewater disposal resulting from oil and gas production have been shown to have increased the size and/or frequency of earthquakes in other parts of the country and abroad. In La Habra Heights, which is proximate to the Whittier Fault, Puente Hills Fault, Inglewood Fault, and the San Andreas Fault, increasing the risk of seismic activity is a risk the residents are unwilling to take. Prohibiting land use for High-Intensity Petroleum Operations, new oil and gas wells and reactivation of Idle Wells will decrease the risk of earthquakes in the City.
8. **Wildlife and Ecosystems.** High-Intensity Petroleum Operations and other new oil and gas development have a significantly adverse impact on wildlife and wildlife habitat. High-Intensity Petroleum Operations result in clearing land for oil production sites, air and water pollution, noise and light pollution, and significant truck traffic. All are potential causes of serious harm to local flora and fauna. Land use associated with the addition of new oil and gas wells, reactivation of Idle Wells, and wastewater disposal also threaten to significantly damage wildlife and local ecosystems. As one of the few cities in the region with a strong and successful commitment to wildlife habitat preservation, La Habra Heights offers an important area for local flora and fauna to thrive. Prohibiting land use for High-Intensity Petroleum Operations, new oil and gas wells and reactivation of Idle Wells will allow wildlife and their habitats to continue to thrive.
9. **Fire and Safety.** High-Intensity Petroleum Operations pose an increased risk to the safety of residents. Not only do the operations threaten water and air quality, but increased truck traffic will result in more dangerous roadways and a higher rate of accidents, as has been the case in other cities that experience an increase in High-Intensity Petroleum Operations. Further, these trucks typically transport chemicals to and from the site that are volatile, flammable, explosive, corrosive, or otherwise dangerous. La Habra Heights has a Zone 4 Fire Hazard Designation, making fire safety a particular concern for residents. A prohibition on land use for High-Intensity Petroleum Operations will protect residents and motorists from the dangers of increased truck traffic, industrial accidents, and chemical transport. Prohibiting land use for new oil and gas wells and reactivation of Idle Wells will result in many of the same benefits.

10. Individualistic Lifestyle and Scenic Vistas. High-Intensity Petroleum Operations and other new oil and gas development result in increased truck traffic, use of heavy machinery, noise and light pollution, and intrusive construction and industrial activity. Such activity will result in the destruction of City's scenic vistas and infringe upon the City's residents' ability to pursue a rural, quiet, individualistic lifestyle. Prohibiting land use for High-Intensity Petroleum Operations will protect the City's scenic vistas and allow residents to continue living the rural and individualistic lifestyle they seek. Prohibiting land use for new oil and gas wells, and reactivation of Idle Wells will result in many of the same benefits.

11. Incompatibility with General Plan's Vision for 21st Century. The negative impacts of High-Intensity Petroleum Operations and other new oil and gas development are contrary to La Habra Heights' Vision for the Twenty-First Century, which is adopted in the City's General Plan. The City's Vision includes twelve enumerated goals, and High-Intensity Petroleum Operations, for the reasons outlined above, are contrary to and incompatible with each of these goals. A prohibition on land use for High-Intensity Petroleum Operations is necessary in order to make progress toward the City's goals in the its General Plan. Prohibiting new oil and gas wells and reactivating Idle Wells is also consistent with the City's General Plan.

D. The Proposed Measure. In light of the above findings, the people of the City of La Habra Heights do ordain as follows:

Section 2: General Plan Amendments

A prohibition on land use for new oil and gas wells, High-Intensity Petroleum Operations, and reactivation of Idle Wells is consistent with the General Plan Goals and Vision for the Twenty-First Century.

Changes to the General Plan of the City of La Habra Heights are below. Text to be inserted in the General Plan is indicated in **bold** type. The language adopted in the following amendments may only be changed by a vote of the people.

Add a new Land Use Element Policy 28.A as follows:

Land Use Element Policy 28A: prohibition on land use for new oil and gas development, including High-Intensity Petroleum Operations, new oil and gas wells, and reactivation of Idle Wells.

In light of serious concerns related to air, water, health, and quality of life no land within the City may be used for the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, to support new High-Intensity Petroleum Operations, drilling new oil

and gas wells or reactivation of Idle Wells as of the Effective Date of the Healthy City Initiative.

Definitions:

“High-Intensity Petroleum Operations” means (1) Well Stimulation Treatments and/or (2) the operation of Enhanced Recovery Wells.

“Well Stimulation Treatment” means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well stimulation treatments include, but are not limited to, hydraulic fracturing treatments and acid well stimulation treatments. Well stimulation treatments do not include steam flooding, water flooding, or cyclic steaming and do not include routine well cleanout work, routine well maintenance, routine removal of formation damage due to drilling, bottom hole pressure surveys, or routine activities that do not affect the integrity of the well or the formation, provided that such activities do not constitute operation of an Enhanced Recovery Well.

“Well Stimulation Treatment Fluid” means a base fluid mixed with physical and chemical additives, which may include acid, for the purpose of a well stimulation treatment. A well stimulation may include more than one well stimulation treatment fluid. Well stimulation treatment fluids include, but are not limited to, hydraulic fracturing fluids and acid stimulation treatment fluids.

“Hydraulic Fracturing Treatment” means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of Well Stimulation Treatment Fluid into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

“Acid Well Stimulation Treatment” means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

“Enhanced Recovery Wells” means wells that are injected with water, steam, polymers, carbon dioxide, or other fluids or gasses into petroleum-bearing formations to recover oil and natural gas. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

“Effective Date” means the date that the Healthy City Initiative: A Measure to Protect La Habra Heights’ Air, Water, and Health by Prohibiting Land Use for

New Oil and Gas Development, including High-Intensity Petroleum Operations and Associated Activity became effective pursuant to State law.

“Healthy City Initiative” means the Healthy City Initiative: A Measure to Protect La Habra Heights’ Air, Water, and Health by Prohibiting Land Use for New Oil and Gas Development, including High-Intensity Petroleum Operations and Associated Activity

“Idle Well” means a well, other than a suspended well, that has not been officially plugged and abandoned, on which the operator has ceased all activity, including but not limited to drilling, production or injection.

Exemptions:

Vested rights/legal nonconforming uses:

The provisions of this Policy 28A shall not apply to any person or entity that has obtained, as of the Effective Date, a vested right pursuant to State law (1) to conduct a High-Intensity Petroleum Operation, (2) to drill new oil or gas wells, or (3) to reactivate Idle Wells.

As provided by State law, if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, the property owner possesses a vested right to complete construction in accordance with the terms of the permit. A property owner likewise has a vested right to continue legal nonconforming uses. A legal nonconforming use is one that existed lawfully before a land use restriction became effective but is not in conformity with the that restriction when it continues thereafter.

- (a) Consistent with State law, vested land uses may not be expanded or intensified contrary to the provisions of the Healthy City Initiative.**
- (b) For permitted operations, any High-Intensity Petroleum Operation or well that is not specifically authorized in an existing Conditional Use Permit shall be considered an impermissible new and/or expanded oil or gas activity that is prohibited by the Healthy City Initiative.**
- (c) Nonconforming uses may not be expanded or intensified by new High-Intensity Petroleum Operations or with new wells or reactivated Idle Wells after the Effective Date.**

Unconstitutional Takings: The provisions of this Policy 28A shall not be applicable to the extent, but only to the extent, that they would constitute an unconstitutional takings of property.

Exemption Applications:

(a) Unconstitutional Takings: In the event that a property owner contends that application of Policy 28.A, or any provision of the Healthy City Initiative, effects an unconstitutional taking of property, the property owner may request, and the City Council may grant, an exemption if the City Council finds, based on substantial evidence, that (1) the application of Policy 28.A or any provision of the Healthy City Initiative would constitute an unconstitutional taking of property, and (2) the exemption will allow additional or continued land uses only to the minimum extent necessary to avoid a taking or an unreasonable amortization period.

(b) Vested Rights: A property owner need not obtain a vested right determination to continue to operate oil and gas developments in the same manner as conducted as of the Effective Date. In the event that a property owner wishes to modify its existing oil and gas operations and contends that it has a vested right to do so, the property owner may request, and the City Council may grant, an exemption if the City Council finds, based on substantial evidence, that (1) the application of Policy 28.A or any provision of the Healthy City Initiative would interfere with a vested right under State law, and (2) the exemption will allow modified land uses only to the extent that they are the same as or similar to the vested land use and do not expand or intensify the vested land use contrary to state law.

All exemption determinations shall be made after a duly noticed public hearing. To the maximum extent allowed by State law, any evidence submitted to the City Council and findings, rulings, and determinations made in connection with such hearings shall be public records. Any exemption determination by the City Council shall be a final determination for purposes of California Code of Civil Procedure section 1094.5.

Section 3: General Plan Conforming Amendments

In light of the General Plan amendments set forth above in Section 2 of this Initiative, the General Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold type**. Text to be deleted from the General Plan is indicated in ~~striketrough~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language in the following amendments may be further amended without a vote of the people in the course of future updates and revisions to the General Plan, provided that any such amendments do not conflict with any provisions of Section 2 of this Initiative.

Land Use Element

Issue – Open Space for Resource Production (p. 2-4)

A number of sites throughout the City are identified as open space devoted to resource production. These sites produce natural gas and oil ~~and it is anticipated that these uses~~

~~will remain for the next ten to fifteen years.~~ **In order to protect the City's air, water and health from expanded or intensified oil and gas operations, the voters adopted the Health City Initiative, which prohibits land use for new High-Intensity Petroleum Operations, new oil and gas wells and reactivation of Idle Wells after the Effective Date of the Healthy City Initiative as provided in Land Use Policy 28.A.** At such time as the resource is depleted, the property owners may request a change of land use designation and it's implementing zoning. As it now exists, such land may not be suitable for residential uses and must be cleaned or "remediated" before it is safe for human habitation. State law mandates the necessary procedures to convert the natural gas and oil well sites to other uses.

Land Use Element Policy 28. In light of the economic life remaining with respect to resource operations in La Habra Heights, the City should work with appropriate state agencies to require the operators to prepare for and to fulfill their obligations to remediate and abandon oil wells and other facilities as required by law. **Land within the City limits may not be used to support new High-Intensity Petroleum Operations or oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative.**

Open Space (p. 2-11)

Open Space-Resource Production (O-1) includes sites located throughout the City that contain producing natural gas and oil wells and their support facilities **to the extent allowed by Land Use Policy 28A.** At such time as the resources are depleted and after an area has been remediated to restore its sustainability for a different use, it is expected that a request for a change in the General Plan land use designation will be entertained by the City.

Environmental Resource Management Plan

Introduction (p. 3-2)

- Oil resources continue to be tapped in La Habra Heights, as they are throughout the Puente Hills and surrounding areas. **Land use supporting new High-Intensity Petroleum Operations and oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative were prohibited by the Healthy City Initiative. Conventional oil and gas wells are expected to stop producing over time.**
- Open Space in the City includes the Puente Hills, the City Park, the Hacienda golf course, the oil and gas production sites and steep hillsides and canyons.

Resource Management Plan (p. 3-8)

Open Space-Resources Production (O-1).

This open space land use designation applies to that land used for resource production. This designation applies to those sites located throughout the City that contain producing natural gas and oil wells and their support facilities. **This designation may not be used to support new High-Intensity Petroleum Operations or oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative. As Provided by Land Use Policy 28A, the production from an existing operation may not be increased, expanded, or extended by High-Intensity Petroleum Operations or with new wells drilled or reactivated after the Effective Date.** At such time as the resources are depleted, and after an area has been remediated to restore its sustainability for a different use, it is expected that a request for a change in the General Plan land use designation will be entertained by the city.

Table 3-1, Description of O-1 Resource Production (p. 3-9)

This designation applies to areas used for resource (oil and natural gas production), **but excludes new High-Intensity Petroleum Operations and oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative as Provided by Land Use Policy 28A.** At such time as the resource production ceases, a General Plan Amendment will be required in the event the property owner seeks to convert the land to another use.

Implementation Program, Development Review Program Page 8-11.
Following “consist of the following elements:”

The Community Development Director shall enforce Land Use Policy 28A.

Implementation Program Matrix page 3-34, Land Use Element

In Policy and Program Implementation Matrix, below Land Use Element Policy 28, add

Land Use Element Policy 28. In light of the economic life remaining with respect to resource operations in La Habra Heights, the City should work with appropriate state agencies to require the operators to prepare for and to fulfill their obligations to remediate and abandon oil wells and other facilities as required by law. Land within the City limits may not be used to support new High-Intensity Petroleum Operations or oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative.	Development Review Program Zoning Ordinance Revision/General Plan Conformity
<u>Land Use Element Policy 28A: prohibition on land use for new oil and gas development, including High-Intensity Petroleum Operations, new oil and gas wells, and reactivation of Idle Wells.</u>	Development Review Program

<p>In light of serious concerns related to air, water, health, and quality of life no land within the City may be used for the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, to support new High-Intensity Petroleum Operations, drilling new oil and gas wells or reactivation of Idle Wells as of the Effective Date of the Healthy City Initiative.</p>	
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Section 3: Changes to the La Habra Heights Municipal Code

This Healthy City Initiative hereby amends the Municipal Code of La Habra Heights, as set forth below. Text to be inserted in the Municipal Code is indicated in **bold** type. Text to be deleted is shown in ~~strikethrough~~ type. The language adopted in the following amendments may be changed by a vote of the people. The changes are intended to be consistent with the General Plan as amended by the Healthy City Initiative.

7.3.50 OS-RP Zone (Open Space-Resource Production Zone) (pp. 113-114)

This Section establishes land uses allowable in the OS-RP Zone.

- A. Primary Uses. Primary uses are limited to the operation and maintenance of **existing** resource extraction and transmission facilities with the approval of a Conditional Use Permit, **consistent with General Plan Land Use Policy 28A.**
- B. Accessory Uses. There are no accessory uses permitted in the OS-RP Zone.
- C. Conditionally Permitted Uses. A Conditional Use Permit is required for the following uses and/or activities. Conditional Use Permit requirements are identified in Article 8.
 - 1. Resource extraction, transmission, and safety operations. **A conditional use permit may not be granted for High-Intensity Petroleum Operations and oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative.**
 - 2. Limited storage and maintenance facilities and operations ancillary to the primary resource production use.
 - 3. Equestrian, pedestrian and bicycle trails.
 - 4. Special communications systems.
 - 5. Caretaker facilities.
- D. Temporary Uses. A Temporary Use Permit is required for the following uses and/or activities. Temporary Use Permit requirements are identified in Article 8.

1. Temporary buildings or trailers used for office use or storage during construction of new wells or facilities, **provided such wells and facilities are consistent with General Plan Land Use Policy 28A.**

E. Prohibited Uses. Uses not specifically allowed in the OS-RP Zone are prohibited. Additionally, quarries are a prohibited use within the OS-RP Zone. **Furthermore, High-Intensity Petroleum Operations and oil and gas wells drilled or reactivated after the Effective Date of the Health City Initiative are a prohibited use within the OS-RP Zone consistent with General Plan Land Use Policy 28A.** Any non-approved or non-permitted use of properties within the OS-RP Zone must be discontinued immediately pursuant to the requirements of Article 8.

7.3.70 SPO Zone (Specific Plan Overlay one and IO Zone (Institutional Overlay Zone) (pp. 114-115)

A. SPO Zone (Specific Plan Overlay Zone). The Specific Plan Overlay Zone (SPO Zone) designation applies to all properties so designated on the Zoning Map (Exhibit 7-1). Additionally, the SPO Zone applies to larger undeveloped parcels that contain sufficient acreage to be divided into ten (10) or more legal lots and/or properties that may exhibit sensitive or significant environmental attributes. This designation requires the preparation of a specific plan pursuant to the State requirements. This Overlay designation has been assigned to parcels that have base Zone designations of R-A, OS-RP, or OS-R. The conditional and temporary use requirements applicable to any parcel in the SPO Zone are the same as those applicable to the base Zone designations. **High-Intensity Petroleum Operations and oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative are prohibited in all SPO Zones consistent with General Plan Land Use Policy 28A.**

Table 7-1 Land Use Matrix for Zone Districts

Primary and Accessory Uses	Conditional Uses (subject to CUP)	Temporary Uses (subject to TUP)
OS-RP Zone		
<ul style="list-style-type: none"> All uses require a CUP, which may not include High-Intensity Petroleum Operations, or oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative. 	<ul style="list-style-type: none"> Resource extraction (excluding High-Intensity Petroleum Operations or oil and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative), and transmission operations. Storage and maintenance operations 	<ul style="list-style-type: none"> Temporary yards, buildings or trailers used for office use or storage during well or facility construction. Any other similar use that the Community Development Director determines is temporary This excludes High-Intensity Petroleum Operations and oil

	<ul style="list-style-type: none"> • Special communications facilities • Safety related uses • Trails and other permitted recreational uses • Caretaker and manned maintenance facilities 	<p>and gas wells drilled or reactivated after the Effective Date of the Healthy City Initiative.</p>
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Article 8, Chapter 8.6

8.6 Procedures for Appeals/Calls for Review/Applications for Exemption from Provisions of the Healthy City Initiative

8.6.10 Purpose of this Chapter

The purpose of this Chapter is to specify procedures for appeals of certain discretionary determinations or actions of the city staff or the Planning Commission, **to specify procedures for Calls for Review of certain discretionary determinations or actions of the city staff or the Planning Commission, and to specify procedures for applications for exemption from provisions of the Healthy City Initiative.**

8.6.30 Applications for Exemption from Provisions of the Healthy City Initiative

A. Unconstitutional Takings. In the event that a property owner contends that application of Policy 28.A, or any provision of the Healthy City Initiative, effects an unconstitutional taking of property, the property owner may request, and the City Council may grant, an exemption if the City Council finds, based on substantial evidence, that (1) the application of Policy 28.A or any provision of the Healthy City Initiative would constitute an unconstitutional taking of property, and (2) the exemption will allow additional or continued land uses only to the minimum extent necessary to avoid a taking or an unreasonable amortization period.

B. Vested Rights. A property owner need not obtain a vested right determination to continue to operate oil and gas developments in the same manner as conducted as of the Effective Date. In the event that a property owner wishes to modify its existing oil and gas operations and contends that it has a vested right to do so, the property owner may request, and the City Council may grant, an exemption if the City Council finds, based on substantial evidence, that (1) the application of Policy 28.A or any provision of the Healthy City Initiative would interfere with a vested right under State law, and (2) the exemption will allow modified land uses only to the extent that they are the same as or similar to the vested land use and do not expand or intensify the vested land use contrary to state law.

C. Exemption Determinations Public Hearings/Public Records. All exemption determinations shall be made after a duly noticed public hearing. To the maximum extent allowed by State law, any evidence submitted to the City Council and findings, rulings, and determinations made in connection with such hearings shall be public records. Any exemption determination by the City Council shall be a final determination for purposes of California Code of Civil Procedure section 1094.5.

Article 12, Chapter 12.2: Definitions

[After definition for Accessories]

“Acid Well Stimulation Treatment” means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

...

[After definition for Easement]

“Effective Date” means the date that the Healthy City Initiative: A Measure to Protect La Habra Heights’ Air, Water, and Health by Prohibiting Land Use for New Oil and Gas Development, including High-Intensity Petroleum Operations and Associated Activity became effective pursuant to State law.

...

[After definition for Enforcement]

“Enhanced Recovery Wells” means wells that are injected with water, steam, polymers, carbon dioxide, or other fluids or gasses into petroleum-bearing formations to recover oil and natural gas. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

[After definition for Haul Route Permit]

“Healthy City Initiative” means The Healthy City Initiative: A Measure to Protect La Habra Heights’ Air, Water, and Health by Prohibiting Land Use for New Oil and Gas Development, including High-Intensity Petroleum Operations and Associated Activity

...

[After definition for Hearing Officer]

“High-Intensity Petroleum Operations” mean (1) Well Stimulation Treatments and/or (2) the operation of Enhanced Recovery Wells.

...

[After definition for Home Occupation]

“Hydraulic Fracturing Treatment” means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of Well Stimulation Treatment Fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

“Idle Well” means a well, other than a suspended well, that has not been officially plugged and abandoned, on which the operator has ceased all activity, including but not limited to drilling, production or injection.

...

[After definition for Weeds]

“Well Stimulation Treatment” means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well stimulation treatments include, but are not limited to, hydraulic fracturing treatments and acid well stimulation treatments. Well stimulation treatments do not include steam flooding, water flooding, or cyclic steaming and do not include routine well cleanout work, routine well maintenance, routine removal of formation damage due to drilling, , bottom hole pressure surveys, or routine activities that do not affect the integrity of the well or the formation.

“Well Stimulation Treatment Fluid” means a base fluid mixed with physical and chemical additives, which may include acid, for the purpose of a well stimulation treatment. A well stimulation may include more than one well stimulation treatment fluid. Well stimulation treatment fluids include, but are not limited to, hydraulic fracturing fluids and acid stimulation treatment fluids.

Section 5: Exemptions and Implementation

- A. The provisions of this Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California. Should any application of the Healthy City Initiative be deemed an

unconstitutional taking of property, an exception will be allowed only to the minimum extent necessary to avoid such a taking.

- B. The City of La Habra Heights is hereby authorized to amend the Municipal Code and other sections of the General Plan as necessary to ensure consistency between the General Plan as amended by this Initiative and other sections of the General Plan and the Municipal Code.
- C. Upon the Effective Date of the this Initiative, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any amendment to the General Plan, Municipal Code, Specific Plan, Subdivision Map, Use Permit, Conditional Use Permit, Temporary Use Permit, or any other discretionary entitlement that is inconsistent with this Initiative.
- D. **The Effective Date:** Upon the Effective Date of this Initiative, (1) the provisions of Sections 2 and 4 of the Initiative are hereby inserted into the City of La Habra Heights General Plan, as an amendment thereof; and (2) the provisions of Section 3 of the Initiative are hereby inserted into the City Code as an amendment thereof as soon as possible under State law. Upon the Effective Date of this Initiative, any provisions of the Municipal Code or of any other City ordinance or resolution that are inconsistent with the General Plan amendments and Municipal Code amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- E. **Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. **Interim Amendments:** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the City of La Habra Heights is referenced herein as the “submittal date.” The City of La Habra Heights General Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of La Habra Heights. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan. Likewise, any amendment to the Municipal Code that is adopted between the submittal date and the date that the Municipal Code is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the Municipal Code provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the Municipal Code.
- G. **Nuisance:** Nothing in this Initiative is intended to affect any existing City authority to terminate operations found to be a nuisance.

Section 6: Severability and Interpretation

If any section, subsection, paragraph or portion of this Initiative is held to be invalid or unconstitutional by a final judgment from a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, and portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs or portions thereof are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve its purpose.

Section 7: Conflicting Initiatives

This Initiative adopts a comprehensive scheme for managing whether and where land uses in support of new oil and gas development including High-Intensity Petroleum Operations may occur within the City. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the land uses supporting petroleum operations, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other City measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

Section 8: Amendment or Repeal

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City.

Section 9: Enforcement and Defense of Initiative:

The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.

RESOLUTION NO. 2014-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, AMENDING THE LANGUAGE OF THE BALLOT LABEL/QUESTION FOR A MEASURE TO BE SUBMITTED TO THE QUALIFIED VOTERS OF THE CITY ON TUESDAY, MARCH 3, 2015.

WHEREAS, on November 13, 2014, the City Council adopted Resolution No. 2014-21, placing a measure on the Tuesday, March 3, 2015 General Election ballot prohibiting land use for any treatment of oil or gas wells that is designed to enhance production or recovery, as well as any new oil and gas wells, and reactivation of idle wells (the "Measure"); and

WHEREAS, the designated ballot label/question to be submitted to the voters under Resolution No. 2014-21 is worded as follows:

"Shall an ordinance be adopted that prohibits land use for new oil and gas development, including high-intensity petroleum operations, new oil and gas wells, and reactivation of idle wells?"

WHEREAS, on November 24, 2014, opponents of the Measure filed a lawsuit in the Los Angeles County Superior Court (*Piggot v. Clark*, Case No. BS 152700), alleging that the language of the ballot label/question is not impartial and, therefore violates the California Elections Code; and

WHEREAS, the City maintains that the language of the ballot label/question is impartial and wholly consistent with the requirements of the California Elections Code; and

WHEREAS, in order to avoid the costs of litigating this dispute, the City Council desires to amend the language of the ballot label/question as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. That the ballot label/question for the Measure to be submitted to the voters at the March 3, 2015 General Municipal Election is hereby amended to read as follows:

"Shall an ordinance be adopted that prohibits land use for any treatment of oil or gas wells that is designed to enhance production or recovery, any new oil and gas wells, and reactivation of idle wells?"

SECTION 3. That in all other respects, Resolution No. 2014-21 remains in full force and effect, and the General Municipal Election to be held on Tuesday, March 3, 2015 for the purpose of submitting the Measure to the qualified voters of the City shall remain on schedule.

SECTION 4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2014, by the City Council of the City of La Habra Heights, California.



Brian Bergman, Mayor

AYES: Bergman, Higgins, Miller, and Williams
NOES: Francis
ABSENT: None
ABSTAIN: None

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Shauna Clark, City Clerk, do hereby attest to and certify that the attached Resolution No. 2014-22 was adopted by the City Council of the City of La Habra Heights on the 1st day of December, 2014.



Shauna Clark, City Clerk

12/1/14

Date

APPROVED AS TO FORM:



For Interim City Attorney